

# **EXHIBIT B**

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- Forensic Psychiatry
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- Child Welfare
- Criminology
- Security

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June 13, 2022

**RE:** USA v. Robert Sylvester Kelly, also known as “R. Kelly”  
**Cr. No.** 19-CR-286 (S-3) (AMD)  
**Court:** United States District Court  
Eastern District of New York

**Mitigation Report**

Dear Attorney Bonjean,

At your request I have performed a psychiatric evaluation of Mr. Robert Kelly (DOB 01/08/1967) in order to provide an opinion regarding the following question:

**Whether Mr. Kelly’s history of childhood sexual abuse should be considered as a mitigating factor in his sentencing hearing.**

At the time of the evaluation, Mr. Kelly was a 55-year-old, divorced, engaged, Black man who was incarcerated at the Metropolitan Detention Center in Brooklyn, New York. He was found guilty of nine criminal counts including Racketeering and violations of the Mann Act on September 27, 2021. These convictions include Bribery, Sexual Exploitation of a Child and human trafficking. Mr. Kelly is awaiting sentencing on these convictions.

Mr. Kelly is a singer, song writer and record producer who has earned multiple awards and nominations for his work, including three Grammy Awards<sup>1</sup>. Prior to his arrest, he

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<sup>1</sup> Britannica, T. Editors of Encyclopaedia (2022, April 28). *R. Kelly*. *Encyclopedia Britannica*. <https://www.britannica.com/biography/R-Kelly>

was residing at Trump Towers in Chicago, Illinois with his live-in girlfriends at the time, Jocelyn Savage and [REDACTED]

Mr. Kelly was evaluated by Drs. Dan Martell and Park Dietz in addition to myself. I interviewed Mr. Kelly with Dr. Dietz on three separate dates. This report will address Mr. Kelly's history of childhood sexual abuse and his adult sexual behavior.

**Statement of Informed Consent:**

Prior to the interview, we informed Mr. Kelly that the information he provided was not confidential and that it would be used in preparing a report for the court. We also informed him that we did not have a doctor-patient relationship with him. Mr. Kelly understood these limitations and agreed to proceed with the interview.

**Sources of Information:**

**Clinical interviews**

- 1) Clinical interview of Mr. Kelly on 05/24/2022 and 05/25/2022 at the Metropolitan Detention Center, 80 29<sup>th</sup> Street, Brooklyn, NY 11232 for 5 hours and 45 minutes and 6 hours and 40 minutes respectively
- 2) Clinical interview of Mr. Kelly on 06/01/2022 via zoom videoconferencing for 2 hours

**Records**

- 1) Chicago Public School Records dated 09/08/1982
- 2) Federal Bureau of Prisons Medical Records dated 07/15/2019- 04/06/2022
- 3) US District Court Eastern District of New York Superseding Indictment Cr. No. 19-286 (S-3) (AMD) dated 03/13/2020
- 4) US District Court of Eastern District of New York Verdict Sheet File dated 09/27/2021
- 5) US District Court of Eastern District of New York Memorandum of Law in Support of a Judgement of Acquittal file dated 02/17/2022
- 6) US District Court of Eastern District of New York Government's Memorandum of Law in Opposition to the Defendant's Motion for a Judgement of Acquittal dated 03/21/2022
- 7) US District Court of Eastern District of New York Supplemental Motion for a New Trial dated 03/21/2022
- 8) US District Court of Eastern District of New York Defendant's Reply in Response to the Government's Memorandum of Law in Opposition to Defendant's Motion for a Judgement of Acquittal file dated 04/04/2022
- 9) US District Court of Eastern District of New York Presentence Investigation Report dated 04/05/2022
- 10) U.S. Department of Justice Response to Supplemental Motion for a New Trial dated 04/11/2022
- 11) US District Court of Eastern District of New York Objections to Presentence Report dated 04/20/2022
- 12) Neuropsychological Examination Report signed by Daniel A. Martell, Ph.D., A.B.P.P. dated 06/06/2022

- 13) US District Court of Eastern District of New York Document 304 Letter Addressed to Judge Donnelly submitted by Breon Peace, United States Attorney dated 06/08/2022
- 14) US District Court of Eastern District of New York The Government's Exhibit List
- 15) US District Court of Eastern District of New York The Government's List of 18 U.S.C. 3500 Material
- 16) Additional 3500 Log
- 17) Additional Discovery Log

**Interview transcriptions**

- 1) Keith Calvert interviewed by Dr. Shawnte Alexander dated 05/17/2022
- 2) Janet Edmonds interviewed by Dr. Shawnte Alexander dated 05/17/2022
- 3) Gregory Preston interviewed by Dr. Shawnte Alexander dated 05/18/2022
- 4) Angela Belton interviewed by Dr. Shawnte Alexander dated 05/19/2022
- 5) Reginald King interviewed by Dr. Shawnte Alexander dated 05/23/2022
- 6) Deborah Harris interviewed by Dr. Shawnte Alexander dated 05/24/2022
- 7) Larry Hood interviewed by Dr. Shawnte Alexander dated 05/24/2022
- 8) Robert Bradley interviewed by Dr. Shawnte Alexander dated 05/27/2022
- 9) Carey Kelly interviewed by Dr. Shawnte Alexander dated 05/27/2022
- 10) Bruce Kelly interviewed by Dr. Shawnte Alexander dated 05/30/2022

**Media/video**

- 1) GX 328(a) - IMG\_0899
- 2) GX 329(a) - IMG\_1786
- 3) GX 330(a) - IMG\_2303
- 4) GX 341(a) - IMG\_2111
- 5) GX 342(a) - IMG\_2113
- 6) GX 343(a) - IMG\_2114
- 7) *Surviving R. Kelly*. Season 1 Episode 1 "The Pied Piper of R&B." Aired January 2, 2009. 47 minutes
- 8) *Soulacoaster: The Diary of Me* by R. Kelly, David Ritz. 2011

**Qualifications of the Examiner:**

I am enclosing a copy of my curriculum vitae, which states my qualifications to perform this examination.

**Background Information:**

Mr. Robert Kelly was born on January 8, 1967, in Chicago, Illinois to Joann Kelly. He never met his biological father and has limited information about his father. His mother told him that his father wanted her to have an abortion and left. Mr. Kelly was not aware of any difficulties his mother experienced with her pregnancy or delivery. He is the third of four children, having a younger brother, Carey (age 51), an older brother, Bruce (age 58), and an older sister Theresa (age 60). His siblings are maternal half-siblings, each having a different father. The family grew up in the housing projects in the south side of Chicago, frequently moving because his mother was unable to pay the rent. Mr. Kelly described his household as "hood headquarters" referring to his extended family and their partners living under one roof. During a significant portion of his childhood he lived in a

three story flat with his mother, stepfather (Lucious), siblings, grandmother, great grandmother, aunts and cousins. Lucious was not the biological father of any of the children.

Mr. Kelly is unable to read or write, but as far as he knows, met other developmental milestones on time. He described finances during his childhood as “very poor.” He said “there were plenty of times we had no food. Mom would get into it with Lucious. He would work but drink and gamble. He’d be drunk and broke.” They shopped at rummage stores for used clothing until Mr. Henry, a neighbor and family acquaintance, “came into the picture” and occasionally they could afford to shop at Kmart.

Mr. Kelly identified his mother as his closest relationship growing up. He described the relationship as “unbelievable, best friends.” His mother performed as a singer in a band called “Six Pack.” His early memories are attending his mother’s band practices and performances. He said, “I’d beg to go with her...I’d sit there as my mom would perform and the crowd would love her. She’d tear down the place.” She later earned certification as an EKG technician and worked in this position at a local hospital.

He accompanied his mother every morning to the local McDonald’s where she would order one coffee –“three creams, six sugars” and one danish to share because she couldn’t afford more. He recalled her lipstick leaving a stain on the coffee cup and placing his lips on the lipstick to “drink coffee just like her.” She taught him about music, including slowing down songs by Stevie Wonder so he could learn them. Mr. Kelly was, by all accounts a “mama’s boy.”

Mr. Kelly did not recall when his mother married Lucious because he “always was there.” He did not regard Lucious as a father figure. He liked Lucious because he made his mother happy and she loved Lucious.

[REDACTED] The frequent reason for arguments was Lucious’ failure to provide money for the rent. [REDACTED]

[REDACTED]

Both Lucious and his mother drank alcohol, [REDACTED]  
[REDACTED]  
[REDACTED]

His brother, Bruce, started a band, which Mr. Kelly sang in. Mr. Kelly said he looked up to Bruce and wanted to be in the band but Bruce was embarrassed because Mr. Kelly could not read or write. Their mother insisted that Mr. Kelly be part of the band so Bruce acquiesced. [REDACTED]

His brother, Carey, was nicknamed "Killer" after a character created by Geraldine Jones<sup>2</sup>. He said his brother was "very jealous of me and my mom's relationship." [REDACTED]

Mr. Kelly did not report a history of physical or emotional abuse. His mother was the main disciplinary figure in the household. The typical punishment included "anything from a switch to a tree branch, to not being able to go out." He did not view this punishment as excessive or abusive.

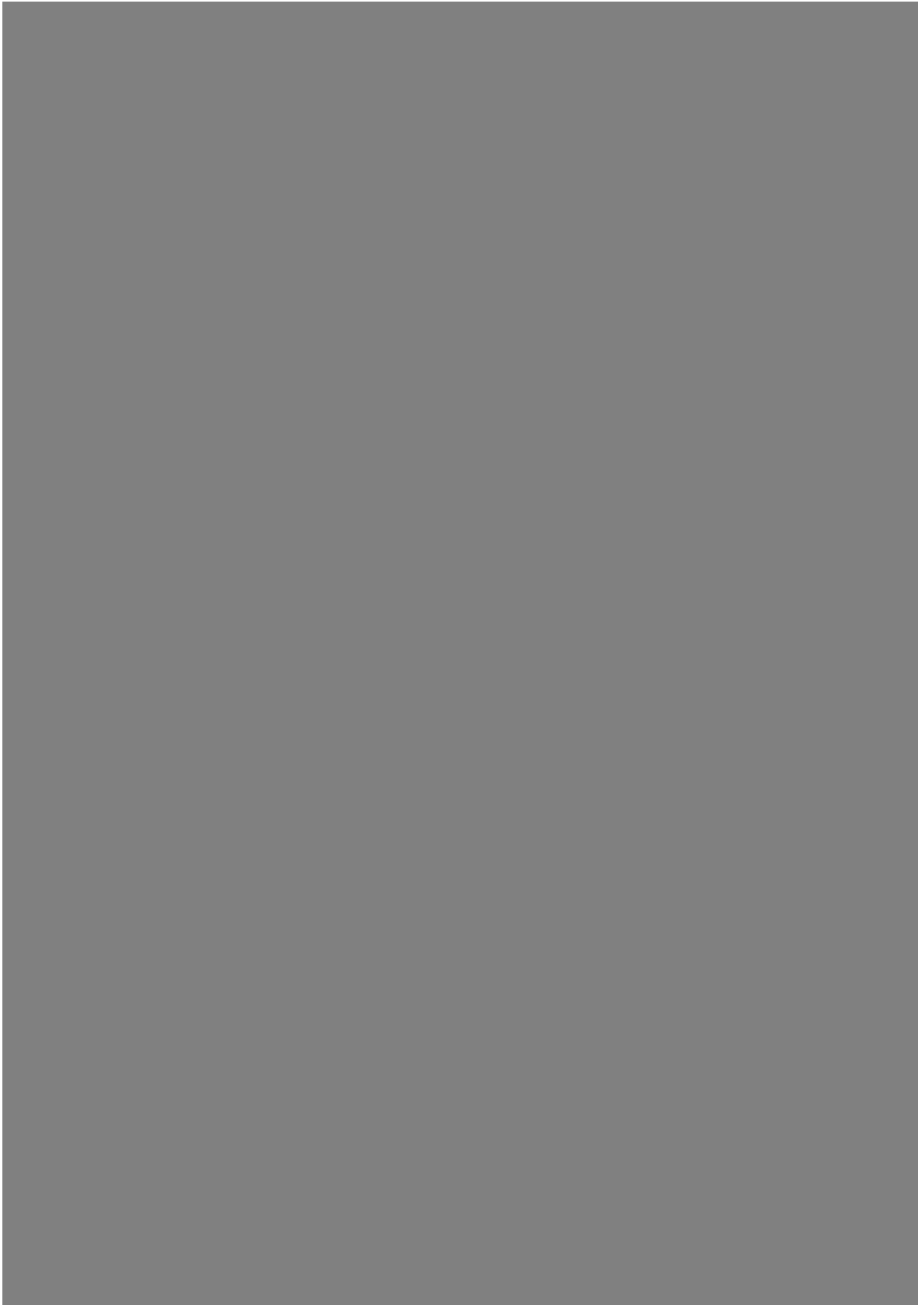
Mr. Kelly described witnessing "street-gang violence" growing up. He said, "there were plenty of times gang members ran on us." He described a time a gang member told him and his friends to empty their pockets. One of his friends "panicked and ran" and subsequently was "beat in the face with whiskey bottles." Mr. Kelly was shot in the arm while riding his bike at the age of 14. Mr. Kelly said he was riding his bike to the end of the block when he was shot in the right arm. He does not recall actually being shot. He woke up in the hospital and was told the bullet was too dangerous to remove. At the time he was told a gang member named "Red" shot him with a .22 rifle. At the time of this interview, Mr. Kelly said he did not believe Red was the shooter. To this day he does not know who shot him.

His mother died from [REDACTED] in 1993 when Mr. Kelly was 26 years old. He did not know she was so ill until he saw her in the hospital on the day she died. Mr. Kelly said "when she passed, I would go to McDonald's all the time. I go there for hours-any McDonald's...to smell the coffee. To me the "M" stands for mom. Going to McDonald's is always being around my mother." He described the loss of his mother as the most tragic event of his life.

#### **History of Sexual Abuse:**

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<sup>2</sup> Geraldine Jones is a fictional character played by comedian Flip Wilson in the 1970's



**Educational History:**

Mr. Kelly attended public schools throughout his education. His learning difficulty, especially reading, was apparent early on. He did not receive special services or resources in school. He said he earned “mostly Fs except for gym” due to his learning difficulty. He was held back several times remarking, “I was the only kid in the class with a beard.” The last school he attended was Kenwood Academy High School. He dropped out before completing his freshman year at the age of 17 or 18. He never earned a graduation equivalency certification.

Mr. Kelly described his attempts to learn to read as “hell.” He said he can “write songs off the top of my head but I can’t read a music note...I tried with my mother-she was trying to help me read. I’d get headaches, yawn a lot, my eyes would water and I’d hear cluttered music in my head.” His mother, Theresa and Bruce all tried to help him learn to read. His stepfather took the written driving test for Mr. Kelly so he could earn his driver’s license. Since the age of eight or nine, he heard “a radio” in his head each time he tried to read or spell. He would hear the radio anytime he tried to read, spell or play chess. He described this as “discovering my weirdness.” He recalled “being so scared...petrified” when he was called upon to read by the teacher. He’d act like he couldn’t see and imagined he was home. He recalled peers laughing at him. He described the experience as “horrible” and “lasting forever.”

Mr. Kelly experienced bullying until high school when he became recognized for his musical ability. He described himself as “very shy” and “silent” in class due to his fear others would learn he could not read. He said, “my mind would drift a lot. I’d try to disappear.” He was suspended once in grammar school after throwing a rock at a peer who had regularly bullied him for his lunch money. He had one other physical altercation with a peer in grammar school when he kicked a peer who had stolen his basketball fundraising candy.

Mr. Kelly enrolled in Kenwood Academy High School at the age of 17 or 18. He was anxious to be in high school because he worried, “what am I going to do when they find out I can’t read?” His first class was music, where he met Lena McLin, a music teacher.



She told him he was going to be a great musician. Ms. McLin encouraged him to focus on music and to quit basketball. He was initially “upset” at Ms. McLin because he valued basketball but he began to spend all of his time in the music room. He stopped going to other classes and would “hide out” behind the piano in the music room. During his year at Kenwood, Mr. Kelly began wearing black glasses. He stated, “back then it was not a thing-it was weird. I was the only guy who did that. I’d walk down the hall with them.” He described creating “plenty of escape routes to escape who I was. I was just uncomfortable in class.” In order to perform at the school talent contest, he “put on dark glasses and pretended I was blind. I had someone walk me out on stage and I sang.”

The school contacted Mr. Kelly’s mother to inform her that he was going to be expelled because he was not in class. When Ms. McLin learned of this she told the school administrators that she would go to the news if they expelled him. Mr. Kelly said, “she explained how Beethoven was deaf. Stevie Wonder was blind. She made me believe I could be this great musician. She told me I had a gift. She filled me up with confidence.” Mr. Kelly began performing in the streets and dropped out of high school without completing his freshman year.

#### **Relationship History:**

Mr. Kelly’s first girlfriend was a peer aged girl named [REDACTED] who was the daughter of his mother’s best friend. He was eight or nine years old at the time. He described the relationship as “puppy love...playing boyfriend and girlfriend...always around each other.” [REDACTED] died in an accidental drowning when they were both eight or nine. Mr. Kelly said they often went for a walk by the river which they reached by climbing through a hole in a fence despite the sign that read “Keep Out.” One day she got too close to the water and one of the boys who accompanied them pushed [REDACTED]. Mr. Kelly stated, “he was just being stupid. He was the bully of the crew. He’d go overboard sometimes. She got pushed into the river.” When [REDACTED] fell into the river, the children ran. Mr. Kelly stated, “I can’t swim. I was screaming.” He described watching [REDACTED]’s body move along the river’s current. He ran home and later learned [REDACTED] died. Mr. Kelly said the image of [REDACTED] stayed on his mind until adulthood. As a child he had nightmares in which he would be running on the banks of the river and [REDACTED] was floating down the water, moving up and down and screaming for her life. He would wake up crying. Over time he described the nightmares changing to “just dreams-memories of her.”

His next relationship was at the age of nine with a peer age girl named [REDACTED] who he met when the family moved to 40 King Drive. They “smooched” under the porch but did not have a sexual relationship. Mr. Kelly said he “tried to do with her what I was seeing in my house but she had no idea. I’d get embarrassed and she did not want to do that.” Mr. Kelly said he “felt like a grown man my whole life. She wanted to kiss but she didn’t know about other things.” The relationship ended when he discovered Bruce on top of her. Mr. Kelly believed Bruce “manipulated her” and “she shied away and was embarrassed after that.”

His third relationship was at the age of 13, when he dated a girl named [REDACTED] who was 16 or 17 years old. He recalled his mother telling him, “that girl is too old for you” and

thinking to himself. [REDACTED]

[REDACTED] Mr. Kelly described “falling deeply in love” with [REDACTED]. His first consensual sexual experience was with [REDACTED]. He “panicked” during his first sexual experience because he started to see blood. He later learned, after talking to his sister, that [REDACTED] was menstruating and his penis was not bleeding. Mr. Kelly said he was “turned off for a very long time” and didn’t have sex with [REDACTED] for some time. The relationship ended after two years because he “fell out of love” with [REDACTED].

Mr. Kelly began dating [REDACTED] when he was 17 years old and she was 15 years old. They met much earlier at Louis Wirth grammar school. [REDACTED] was one of the few students who would not laugh at or bully him. She tried to help him read. Mr. Kelly was shy at the time, but later, at Kenwood Academy High School, began a dating relationship with [REDACTED]. He said, “I’d be the oldest person in the class. She would always help. I’d cling to her.” [REDACTED] encouraged him to perform in the talent show. He told her he was “too shy” and she suggested that he put on dark glasses and act like he was blind. After the talent show his high school experience changed. He said, “all of the girls started screaming-all of a sudden I was famous-a popular guy in high school from that one talent show.” He began cheating on [REDACTED] because “all the girls were coming after me-even the uppity up girls.” He said “girls were going up to me. I was with girls in the bathroom. I’d go to their houses (for sex).” After dropping out of high school he lived with [REDACTED] in her grandmother’s basement and later rented an apartment with her. [REDACTED] ended the relationship because of his infidelity. Mr. Kelly said “I was so hurt. My mom said these things happen-you have to be honest with these women.” He said he started being honest with women after the relationship ended with [REDACTED]. He told women, including his wife Andrea, that he “loved to be with women” indicating his nonmonogamous nature.

At the age of 23, Mr. Kelly dated [REDACTED], a 19 year old dancer. He described this relationship as different because he told [REDACTED] that he was seeing other women. He said, “what my mom says still works. To be real. She continued to see me.” He described [REDACTED] as “very freaky as I was too” referring to their sexual behaviors. They filmed their sexual encounters. Mr. Kelly said this was the first time he filmed a sexual encounter. He ended the relationship after four or five years after [REDACTED] wanted more exclusivity in the relationship.

Mr. Kelly met Aaliyah at the age of 24 or 25. Aaliyah, who was 13 or 14, was the niece of Barry Hankerson, Mr. Kelly’s account manager. He was introduced to Aaliyah by Mr. Hankerson who asked Mr. Kelly to help her musical career. Mr. Kelly spent two years working with Aaliyah to help produce her. During that time her mother, Diane, frequently accompanied Aaliyah to meet with Mr. Kelly. Mr. Kelly described spending time together with Aaliyah and Diane. [REDACTED]

[REDACTED] This, according to Mr. Kelly, led to ongoing conflict between him and Diane. He said that Aaliyah wanted to travel to Chicago to continue to work with him. This led to a conflict between Aaliyah and her mother. Aaliyah eventually traveled to Chicago against her mother’s wishes. Mr. Kelly saw Aaliyah in Chicago which continued to cause conflict between Aaliyah and her mother. He said she wanted to get married. He

described feeling like he was in trouble because she was already in Chicago, which was against her parent's wishes. He told her if they married, she had to go home. They married in a hotel in Chicago. She then went home. Mr. Kelly said the marriage was annulled three days. Mr. Kelly said he never had sex with Aaliyah. He said the relationship would have been different (progressed to sex) if Aaliyah was older. When Aaliyah returned home she phoned Mr. Kelly. He said they were both crying on the phone. The phone call ended when Aaliyah's parents hung up the phone. This was the last time Mr. Kelly spoke to Aaliyah.

Mr. Kelly began dating Andrea "Dre," who was seven years younger, after she auditioned as a dancer for him. She was hired as his choreographer. They began a sexual relationship which developed into a dating relationship. He described "feeling more comfortable with her and it wasn't just sex." He continued to see other women, [REDACTED]. He grew close with Dre, and Mr. Kelly stopped seeing other women and asked Dre to marry him. They married in 1996. They had three children, [REDACTED] (age 23), [REDACTED] (age 21) and [REDACTED] (age 19). The marriage ended in divorce in 2009. Mr. Kelly said the marriage ended because Dre wanted to pursue her career in dancing, which was something they had discussed prior to marriage. Mr. Kelly said Dre had agreed to be a housewife and raise the children prior to their marriage. Mr. Kelly has been estranged from his children for the past several years. He attributes this to the conflict with Dre and subsequent polarization of the children. [REDACTED]

[REDACTED] He said there was one incident in his relationship history in which "he got into it" with a partner. This incident involved a girlfriend [REDACTED] who hit him. In response, he grabbed her and pushed her out the door. He said neither person was injured and the police were not involved.

At the time of this evaluation, Mr. Kelly was engaged to Joycelyn "Joy" Savage. He met Joy at one of his performances in 2015. Joy was 19 years old at the time and had won tickets to sit on stage during one of his performances. They had a sexual relationship which developed into a dating relationship. Mr. Kelly described the relationship as "growing closer" and they became engaged three years ago. At the time of his arrest in 2019, Mr. Kelly and Joy were living together. [REDACTED] was also living at the same residence. Mr. Kelly dated [REDACTED] while dating Joy. His relationship with [REDACTED] who he believed to be 18 years old when they met, ended in 2019. Mr. Kelly said [REDACTED] had an ID indicating she was 18 years old when they met. Years later she admitted to Mr. Kelly she was 17 years old. In 2019 Mr. Kelly stated, "[REDACTED] flipped and left" referring to conflict between the three of them after his arrest.

**Religious History:**

Mr. Kelly grew up in the Baptist faith. He attended religious services every Sunday during childhood. Mr. Kelly continues to identify with the Baptist faith.

**Occupational History:**

Mr. Kelly has never sustained employment outside his music career. During one summer he worked for a month, for Ms. McLin's friend, who owned a popcorn shop. He first earned money for his musical ability when he performed on the streets. He signed his first recording contract in the early 1990s.

**Medical History:**



**Family Psychiatric History:**



**Legal History:**

Mr. Kelly's legal history is known to the Court and is outlined in the Presentence Investigation Report.

**Psychiatric History:**

Mr. Kelly described a childhood and adolescent history of fear and anxiety related to social situations which stemmed from his learning difficulties. He experienced fear that he would act in a way that would embarrass himself or reveal his inability to read.

Growing up, he tried to avoid social situations due to this anxiety. He described wanting to disappear because he was embarrassed that others would learn he could not read and call him a “dummy.” He also was teased for having “a big booty.” He was called “girl booty, stripper booty.” During his high school year he wore dark sunglasses in school as a way to feel “hidden.” The anxiety in social situations gradually disappeared as he became confident and recognized for his musical talent. Mr. Kelly said, “people started to love me. It gave me a sense of confidence. It was unbelievable, like Peter Parker bit by the spider. It was what I needed.”

At the age of eight or nine, following the death of [REDACTED], Mr. Kelly described feelings of guilt and anxiety. He experienced nightmares and “daydreams playing over in my head” of [REDACTED] struggling in the river’s current. He avoided bodies of water, especially the river where [REDACTED] drowned. Over time he described the nightmares changing to “just dreams-memories of her.”

Mr. Kelly described recurrent feelings of shame related to the sexual abuse [REDACTED]

[REDACTED]

Mr. Kelly experienced flashbacks which he identified as “daydreams” related to the sexual abuse by [REDACTED] [REDACTED]

[REDACTED]

Mr. Kelly described a history of panic attacks with the onset in his 30’s. He presented to emergency rooms approximately six times with panic attacks. He described panic attacks as starting with his hands shaking, followed by numbness in his thumb and an overall sense of fear. He also experienced sweating, palpitations, and difficulty breathing. At times he would become so anxious he couldn’t breathe and wondered whether he could take another breath. He often contacted Dr. McGrath who would call an ambulance or he would ask his security to take him to the hospital. The symptoms typically lasted several minutes and often resolved with treatment provided on the ambulance ride. He was unable to identify any triggers to the panic attacks. He experienced persistent worry, at times, about additional panic attacks.

Mr. Kelly was assaulted by an inmate in August 2020 while incarcerated at the Metropolitan Detention Center in Chicago. He awoke from sleep when an inmate started kicking him in the face. He sustained a rib fracture and bruises from the assault. Mr. Kelly described the onset of the following symptoms within days of the assault: flashbacks, nightmares about the event, persistent feelings of fear, hypervigilance, exaggerated startle response, belief that no one could be trusted, and efforts to avoid

reminders of the assault. He continues to experience these symptoms to date, but with less frequency and intensity.

Mr. Kelly has never been psychiatrically hospitalized. He has never experienced suicidal ideation or engaged in self-injurious behavior. He did not report a history of persistent depressed mood, mood swings, or hallucinations.

[REDACTED]

[REDACTED]

[REDACTED]

**Sexual History:**

Mr. Kelly identified his adult sexual interest as heterosexual. Mr. Kelly rated himself a one on the Kinsey Scale. A score of one is defined, by Kinsey, as the overwhelming majority of sexual attraction, desire, fantasy or activity is with members of the opposite sex (heterosexual); homosexual experiences are infrequent and largely experimental.

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Mr. Kelly immersed himself in the church following this experience. He told Dre they were “not having sex until marriage.” He met with former sexual partners and told them he “found God” and was no longer able to see them. For one year he abstained from sex or masturbation. He began to experience privacy concerns as he noticed that he was being filmed attending religious services. To minimize his public exposure, he was assigned a “prayer warrior” who met with him in his home. [REDACTED], the prayer warrior, and the pastor met with Mr. Kelly regularly in his home. Over time, [REDACTED] came alone to his house. Mr. Kelly said he started noticing her red lipstick and was “drawn to her.” He said, “she ended up jacking me off and that’s when I started going backwards and fell back into it (promiscuity).”

Mr. Kelly acknowledged the following significant social consequences related to his problematic sexual behaviors: inability to sustain a romantic relationship because of sexual needs not related to the relationship, inability to maintain a platonic relationship because of his sexual urges, and estrangement from his children. With regards to his children, Mr. Kelly stated that his sexual history related to conflict with his ex-wife and subsequent estrangement from his children. Mr. Kelly has been diagnosed with herpes simplex-2 or genital herpes which is a medical consequence from sexual activity. He identified his sexual problem as interfering with his employment because of the impact of his legal consequences in his career.

I reviewed with Mr. Kelly the diagnostic criteria for each of the paraphilias as outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-Text Revision). Mr. Kelly did not report a history of sexual arousal from peeping or secretly observing an unsuspecting person who is undressing, nude or engaging in sex. Mr. Kelly did not report a history of sexual arousal to exposing his genitals to unsuspecting persons. Mr. Kelly denied a history of sexual arousal from rubbing or touching up against an individual who is unsuspecting or nonconsenting. He denied a history of sexual arousal to using, wearing or collecting special articles of clothing for sexual satisfaction. He did not report sexual arousal to dressing in women’s garments.

Mr. Kelly identified his sexual interest in post pubescent individuals. He described his preferred body type as “curvy and in shape.” He denied a history of sexual urges and



fantasies to have sex with children who had not reached puberty. He reported that he has never engaged in sexual behavior with a prepubescent individual.

Mr. Kelly did not report a history of sexual arousal regarding harming someone or dominating or humiliating a nonconsenting sexual partner. He did report sexual arousal from role playing including domination and humiliation with consenting partners. This role playing included sexual partners calling him "Daddy," spanking sexual partners, dialogue which included derogatory terms such as "Nigger, dumbass, stupid, and goofy" and "scat porn," or the use of excrement in sexual play. He said [REDACTED], one of his sexual partners, showed him "two white girls eating doo-doo. It grossed me out at first and then turned me on. [REDACTED] made a video called 'scat sex.' She did it for me. We've also done spanking. It's a turn on." Mr. Kelly said he never asked anyone to call him "Daddy." He stated, "to me that's cheating...like I never call myself the R&B King. People call me that...I'm not the first man to be called Daddy by women. Some guys here (MDC) call me 'Pops...un-uncle.' It's a hood thing-Daddy."

He did not report a history of sexual arousal from being the object of domination or humiliation. He is not sexually aroused from using physical force or verbal threats to have sex with a woman, man or child against their will. Mr. Kelly said it was a "turn off to make a woman do something" but it was a "turn on" when a woman wanted to do something to please him.

Mr. Kelly described a history of consensual videotaping sexual acts dating to his relationship with [REDACTED] in his early twenties. He was sexually aroused to filming and watching the videos. Over time, Mr. Kelly said he continued to videotape sexual acts because he "loved it" but also because he did not want any woman to say he raped them or forced them to engage in sex. Mr. Kelly said he routinely kept such videos in a safe in his room in the event that a woman would lie about the consenting nature of their relationship.

Mr. Kelly does not have a history of online sexual behaviors including repetitive use of internet pornography or using internet chat rooms for online sex.

**Substance Abuse History:**

Mr. Kelly did not report a history of problematic alcohol or drug use. He began drinking alcohol at the age of 18 when he occasionally drank wine coolers with friends. He had his first shot of Hennessy with his mother to dissipate the anxiety they both experienced flying. He never drank daily or had difficulty cutting down his alcohol use. He used cannabis approximately seven times in his life. He denied using illicit substances.

**Current Medications:**

Mr. Kelly was not prescribed any psychiatric medications at the time of the evaluation.

**Mental Status Examination on 05/25/2022:**

Mr. Kelly was a 55 year old Black man who appeared his reported age. He was seated in a wheelchair which he powered with his hands. He carried a note pad in his lap. He was

dressed in brown correctional scrubs. He wore non-prescription glasses, which he occasionally took off, and a facemask which he frequently lowered to hang below his mouth. His hair was neatly trimmed with frontal greying, and he wore a moustache and beard speckled with grey. He had visible tattooed words on his forearms, bilaterally. His speech was normal rate and rhythm. His eye contact was good throughout the examination.

He described his mood as “frustrated.” Mr. Kelly demonstrated a full range of emotional expression. His thought process was logical and goal oriented. He reported no hallucinations. I did not detect any paranoia or delusions. He reported no thoughts of wanting to harm himself or anyone else.

Mr. Kelly was alert and oriented to the location and date. Mr. Kelly showed good concentration as he was able to remain attentive to questions over a several hour period. His short- and long-term memory were not formally tested but appeared to be good based on his recollection of the content reviewed during the interview and of our previous interview.

**Diagnostic Impression:**      **Other Specified Paraphilic Disorder in a Controlled Environment**

The diagnosis of Other Specified Paraphilic Disorder is used to refer to Mr. Kelly’s history of hypersexual behavior lasting greater than a six month period of time with resultant clinically significant distress and impairment in social and occupational functioning. The diagnostic criteria, as outlined in the DSM-5-TR, for this category applies to presentations in which symptoms characteristic of a paraphilic disorder, such as hypersexuality, that cause clinically significant distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorder diagnostic class.

Mr. Kelly meets the diagnostic criteria for Other Specified Paraphilic Disorder as evidenced by the following:

- 1) Mr. Kelly described a history of hypersexuality. Although not uniformly defined, hypersexuality has been described as a pattern of recurrent, intense, and excessive preoccupation with sexual fantasies, urges and behaviors that individuals struggle to control.<sup>3 4</sup>



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<sup>3</sup> Kafka MP. Hypersexual Disorder: A Proposed Diagnosis for DSM-V. *Archives of Sexual Behavior*. 2010; 39: 377-400.

<sup>4</sup> Kafka MP, Hennen J. Hypersexual Desire in Males. Are Males with Paraphilias Different from Males with Paraphilia- related Disorders? *Sexual Abuse: A Journal of Research and Treatment*. 2003; 15: 307-321.

- [REDACTED]
- 2) Mr. Kelly experienced significant personal distress related to his sexual drive.
- [REDACTED]

- 3) Mr. Kelly's hypersexual behavior has resulted in impairment in social and occupational functioning.
- [REDACTED]

The specifier "in a controlled environment" is applicable to Mr. Kelly because he has not met criteria for this disorder for at least six months while housed in a correctional setting.

I considered the diagnosis of Pedophilia given Mr. Kelly's alleged history of sexual contact with minors. The diagnosis of Pedophilia is used to refer to individuals who experience recurrent, intense, sexually arousing fantasies or sexual urges involving sexual activity with a prepubescent child or children (generally age 13 years or younger). I rejected the diagnosis because Mr. Kelly does not report a history of sexual arousal to prepubescent individuals and his sexual behavior has never involved prepubescent individuals.

I considered the diagnosis of Sexual Sadism given the government's claim that Mr. Kelly's sexual behavior includes sadistic content. The diagnosis of Sexual Sadism requires the presence of recurrent and intense sexual arousal from the physical or psychological suffering or another person as manifested by fantasies, urges or behaviors. I rejected the diagnosis of Sexual Sadism because Mr. Kelly does not report a history of sexual arousal from the physical or psychological suffering of another. None of Mr. Kelly's sexual behaviors include sexual gratification from the physical or psychological suffering of a sexual partner.

In addition to the focus of this report, the following additional diagnoses are made:

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<sup>5</sup> Kafka MP. Hypersexual Desire in Males: An Operational Definition and Clinical Implications for Males with Paraphilias and Paraphilia-related Disorders. *Archives of Sexual Behavior*. 1997; 26: 505-526.

**Specific Learning Disability**

The diagnosis of Specific Learning Disability, as outlined in the DSM-5-TR, is based on Mr. Kelly's history of difficulties learning and using academic skills as indicated by difficulties with reading, spelling, written expression and mathematical reasoning beginning in early school-age. These difficulties are outlined in the Neuropsychological Examination Report signed by Daniel A. Martell, Ph.D., A.B.P.P. dated 06/06/2022.

**Panic Disorder**

The diagnosis of Panic Disorder, as outlined in the DSM-5-TR, is based on Mr. Kelly's history of recurrent panic attacks and persistent worry about additional panic attacks.

**Posttraumatic Stress Disorder (PTSD)**

The diagnosis of PTSD, as outlined in DSM-5-TR, is used to refer to the onset of psychiatric symptoms following the trauma of being physically assaulted. Mr. Kelly described the onset of psychiatric symptoms, namely intrusion symptoms, avoidance behaviors, and marked alterations in arousal following an assault in August 2020.

Mr. Kelly described earlier traumatic experiences including childhood sexual abuse and the death of his childhood girlfriend [REDACTED] which also produced psychiatric symptoms including nightmares, intrusion symptoms and avoidance behaviors. Mr. Kelly did not experience symptoms related to these traumas in adulthood.

**Social Anxiety Disorder, in full remission**

The diagnosis of Social Anxiety Disorder, as outlined in the DSM-5-TR, is used to refer to the anxiety related symptoms Mr. Kelly experienced in childhood and early adulthood. Mr. Kelly described a history of marked fear and anxiety about social situations in which he was exposed to the possible scrutiny of others. He predominately experienced fear and anxiety in settings in which his learning deficits might be exposed. As a result of his fears and anxiety, he avoided social situations. The specifier "in full remission" refers to the absence of symptoms for more than six months. Mr. Kelly has not experienced symptoms of social anxiety since his early twenties.

**Opinion:**

I was asked to address the following question:

**Whether Mr. Kelly's history of childhood sexual abuse should be considered as a mitigating factor in his sentencing hearing.**

I first address Mr. Kelly's history of childhood sexual abuse. [REDACTED]  
[REDACTED]  
[REDACTED]


- a. Mr. Kelly wrote about being sexually abused “repeatedly for years” by an older female who lived in his house in his autobiography, *Soulacoaster*, in the chapter entitled, “ Women in my House.”
  - b. Carey Kelly, Mr. Kelly’s younger brother, said in his telephone interview with Dr. Alexander on 05/27/2022 (p.4 of transcript), that he believed Mr. Kelly was sexually abused [REDACTED]
  - c. Keith Calvert, Mr. Kelly’s childhood friend, said in his telephone interview with Dr. Alexander on 05/17/2022 (p.4 of transcript) that Mr. Kelly told him “later on” [REDACTED]
- 2) Mr. Kelly said he was sexually abused [REDACTED]
- a. Mr. Kelly referenced the abuse by [REDACTED] in his autobiography, *Soulacoaster*, in the chapter entitled, “Mr. Blue.”
  - b. Keith Calvert said in his telephone interview with Dr. Alexander on 05/17/2022 (p.3), he learned from Bruce Kelly that [REDACTED]
  - c. Reginald King, Mr. Kelly’s childhood friend, said in his telephone interview with Dr. Alexander on 05/23/2022 (p.8 of transcript), “he (referring to [REDACTED]) got Rob at some point. [REDACTED]”
  - d. [REDACTED] said in his telephone interview with Dr. Alexander on [REDACTED] (p.6 of transcript), [REDACTED] “tried it with all three of us” referring to sexual abuse.
  - e. Bruce Kelly, Mr. Kelly’s older brother, said in his telephone interview with Dr. Alexander on 05/30/2022 (p.6 of transcript), “Robert was abused by [REDACTED]

Next, I address the relationship between Mr. Kelly’s childhood history of sexual abuse and his adult hypersexual behaviors. It is my opinion with reasonable medical certainty that Mr. Kelly’s history of childhood sexual abuse contributed to his adult hypersexual behaviors. The following evidence supports this opinion:

- 1) The scientific literature supports a pathway from childhood sexual abuse to adult hypersexual behaviors.
  - a. Child sexual abuse has been implicated as a potential precursor to compulsive or hypersexual behavior.<sup>6 7</sup> Researchers have theorized that a

<sup>6</sup> Kafka MP. Hypersexual Disorder: A Proposed Diagnosis for DSM-V. *Archives of Sexual Behavior*. 2010; 39: 377-400.

<sup>7</sup> Kazuma JM, Black DW. Epidemiology, Prevalence, and Natural History of Compulsive Sexual Behavior. *Psychiatr Clin N Am*. 2008; 31: 603-611.

- distorted understanding of sexuality that results from child sexual abuse can lead to abnormal sexual behavior in adults such as hypersexuality.<sup>8 9</sup>
- b. Systemic literature reviews have found a significant association between child sexual abuse and compulsive or hypersexual adult behaviors.<sup>10 11 12</sup>
  - c. Reports of childhood sexual abuse in individuals seeking treatment for sexual addiction are higher than reports of child sexual abuse in the general population.<sup>13 14 15</sup>
  - d. Childhood sexual abuse has been correlated with high risk sexual behaviors including the number of sexual partners, unprotected sexual intercourse, early engagement in sexual activity and prostitution.<sup>16 17 18</sup>
- 2) Mr. Kelly described a link between his childhood sexual abuse and adult sexual behaviors.
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<sup>8</sup> Meyer D, Cohn A, Robinson B, et al. Persistent Complications of Child Sexual Abuse: Sexually Compulsive Behaviors, Attachment, and Emotions. *J of Child Sexual Abuse*. 2017; 26(2): 140-157.

<sup>9</sup> Vaillancourt-Morel MP, Godbout N, Labadie C, et al. Avoidant and Compulsive Sexual Behaviors in Male and Female Survivors of Childhood Sexual Abuse. *Child Abuse & Neglect*. 2015; 40: 48-59.

<sup>10</sup> Slavin MN, Scoglio AA, Blycker GR, et al. Child Sexual Abuse and Compulsive Sexual Behavior: A Systematic Literature Review. *Curr Addict Rep*. 2020; 7(1): 76-88.

<sup>11</sup> Rooney BM, Tulloch TG, Blashill AJ. Psychosocial Syndemic Correlates of Sexual Compulsivity Among Men Who have Sex with Men: A Meta – Analysis. *Arch Sex Behav*. 2018; 47(1): 75-93.

<sup>12</sup> Abajobir AA, Kisley S, Maravilla JC, et al. Gender Differences in the association between childhood sexual abuse and risk sexual behaviors: A systematic review and meta-analysis. *Child Abuse Negl*. 2017; 63: 249-260.

<sup>13</sup> Carnes P. Don't Call it Love: Recovery from Sexual Addiction. New York, NY: Bantam Books. 1991.


<sup>14</sup> Carnes P, Delmonico DL. Childhood Abuse and Multiple Addictions: Research Findings in a sample of Self-Identified Sexual Addicts. *Sexual Addiction and Compulsivity*. 1996; 3: 258-268.

<sup>15</sup> Schwartz MF, Southern S. Compulsive Cybersex: The New Tea Room. *Sexual Addiction and Compulsivity*. 2000; 7: 127-144.

<sup>16</sup> Kingston DA, Graham FJ, Knight RA. Relations Between Self- Reported Adverse Events in Childhood and Hypersexuality in Adult Male Sexual Offenders. *Arch Sex Behav*. 2017; 46: 707-720.

<sup>17</sup> Fergusson DM, McLeod GF, Horwood LJ. Childhood Sexual Abuse and Adult Developmental Outcomes: Findings from a 30-year-longitudinal study in New Zealand. *Child Abuse and Neglect*. 2013; 37: 664-674.

<sup>18</sup> Homma Y, Wang N Saewyc E, et al. The Relationship Between Sexual Abuse and Risky Sexual Behavior Among Adolescent Boys: A Meta- Analysis. *Journal of Adolescent Health*. 2012; 51(1): 1-2.



Lastly, I address whether Mr. Kelly's history of childhood sexual abuse should be considered as a mitigating factor in his sentencing hearing. It is my opinion with reasonable medical certainty that Mr. Kelly's history of childhood sexual abuse is consistent with the definition of mitigating factors as any fact or circumstance that lessen the severity or culpability of the criminal act. The following evidence supports this opinion:

- 1) Mr. Kelly's history of childhood sexual abuse represents a hardship or circumstance that was out of his control.
- 2) This hardship has been described in the scientific literature as contributing to adult hypersexual behaviors.
- 3) Mr. Kelly's adult hypersexual behaviors were factors in his criminal convictions.

Respectfully submitted,



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